

SENATE BILL NO. 194

INTRODUCED BY S. KITZENBERG

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE USE OF HEADLIGHTS AT ALL TIMES; AND AMENDING SECTIONS 61-9-201, 61-9-202, 61-9-203, 61-9-207, 61-9-213, 61-9-215, 61-9-216, 61-9-221, AND 61-9-225, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-201, MCA, is amended to read:

"61-9-201. When lighted lamps are required. ~~Every A driver of a vehicle that is required to be equipped with headlamps upon a highway within this state shall drive with the headlamps or driving lamps lighted at all times that the vehicle is being operated on a public highway. at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when due to insufficient light or unfavorable atmospheric conditions persons and vehicles on the highway are not clearly discernible at a distance of 500 feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles; subject to exceptions with respect to parked vehicles."~~

Section 2. Section 61-9-202, MCA, is amended to read:

"61-9-202. Visibility distance and mounted height of lamps. (1) ~~Whenever requirement is hereinafter declared as to~~ Requirements in this part that specify the distance from which certain lamps and devices shall ~~must~~ render objects visible or within which such the lamps or devices shall ~~must~~ be visible; said provisions shall apply during the times stated in 61-9-201 at any time from one-half hour before sunset to one-half hour after sunrise in respect to a vehicle without a load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) ~~Whenever requirement is hereinafter declared as to~~ Requirements in this part that specify the mounted height of lamps or devices it shall mean pertain to the distance from the center of such the lamp or device to the level ground upon which the vehicle stands when such the vehicle is without a load."

Section 3. Section 61-9-203, MCA, is amended to read:



1 **"61-9-203. Headlamps on motor vehicles.** (1) A motor vehicle other than a motorcycle, quadricycle,
2 ~~or motor-driven cycle, or other vehicle not required under this chapter to be equipped with headlamps~~ must be
3 equipped with at least two headlamps, with at least one on each side of the front of the motor vehicle, that comply
4 with the requirements and limitations set forth in this chapter.

5 (2) A motorcycle, quadricycle, or motor-driven cycle must be equipped with at least one and not more
6 than two headlamps that comply with the requirements and limitations of this chapter. If a motorcycle is registered
7 under 61-3-411 as a collector's item, it need not be equipped with headlamps; ~~however~~ However, if it ~~the~~
8 motorcycle is not equipped with headlamps, it may not be operated upon a highway or street from one-half hour
9 ~~after~~ before sunset to one-half hour ~~before~~ after sunrise or if persons and vehicles are not clearly discernible at
10 a distance of 500 feet. A motorcycle may be equipped with a means of modulating the high beam of its
11 headlamps between high and low beam at a rate of 200 to 280 flashes a minute; ~~however~~ However, an operator
12 may not modulate the headlamps at that rate ~~during periods when headlamps are required to be lighted by~~
13 ~~61-9-201~~ at any time from one-half hour before sunset to one-half hour after sunrise.

14 (3) A headlamp upon a motor vehicle, including a motorcycle, quadricycle, and motor-driven cycle, must
15 be located at a height, measured from the center of the headlamp, of not more than 54 inches or less than 22
16 inches, to be measured as provided in 61-9-202(2).

17 (4) ~~When headlamps are required to be lighted by 61-9-201, a~~ A person may not operate a motor vehicle
18 on a highway at any time from one-half hour before sunset to one-half hour after sunrise with headlamps that are
19 composed of, covered by, or treated with a tinted or colored material, substance, system, or component that
20 obscures the headlamps or diminishes the distance of visibility required by this section.

21 (5) This section does not prohibit the operation or sale of a motor vehicle the headlamps of which are
22 composed of, covered by, or treated with a tinted or colored material, substance, system, or component with
23 which the vehicle was sold or could have been equipped for sale when new as standard or optional equipment
24 in compliance with federal statute or regulation governing the sale at the time of manufacture."
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26 **Section 4.** Section 61-9-207, MCA, is amended to read:

27 **"61-9-207. Application of succeeding sections.** Sections 61-9-208 through 61-9-229 apply as stated
28 in those sections to vehicles of the type enumerated in those sections when operated upon a highway. The
29 vehicles must be equipped as required, and all lamp equipment required must be lighted ~~at all times mentioned~~
30 ~~in 61-9-201~~ at any time from one-half hour before sunset to one-half hour after sunrise except that clearance and

1 side marker lamps need not be lighted on a vehicle when operated within a municipality when there is sufficient
2 light to render clearly discernible persons and vehicles on the highway at a distance of 1,000 feet."

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4 **Section 5.** Section 61-9-213, MCA, is amended to read:

5 **"61-9-213. Lamp or flag on projecting load.** (1) ~~Whenever~~ When the load upon a vehicle extends to
6 the rear 4 feet or more beyond the rear of the vehicle, the following lamps and reflectors must be displayed at the
7 extreme rear end of the load, ~~at the times specified in 61-9-204~~ at any time from one-half hour before sunset to
8 one-half hour after sunrise:

9 (a) a red lamp plainly visible from a distance of at least 500 feet to the sides and 1,000 feet to the rear
10 and located to indicate maximum overhang; and

11 (b) a red reflector visible at night at all distances from 100 feet to 600 feet to the rear when directly in
12 front of lawful lower beams of headlamps.

13 (2) The red lights and reflectors required under this section must be in addition to the red lights required
14 upon a vehicle. At any other time, there must be displayed at the extreme rear end of the load a red flag or cloth
15 not less than 12 inches square, marking the extremities of the load, at each point where a lamp or reflector would
16 otherwise be required by this section."

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18 **Section 6.** Section 61-9-215, MCA, is amended to read:

19 **"61-9-215. Lamps on farm tractors, farm equipment, and implements of husbandry.** (1) A farm
20 tractor and a self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting
21 system must ~~at all times mentioned in 61-9-204~~ at any time from one-half hour before sunset to one-half hour
22 after sunrise be equipped with at least one lamp displaying a white light visible from a distance of not less than
23 500 feet to the front of the vehicle, at least one lamp displaying a red light visible from a distance of not less than
24 500 feet to the rear of the vehicle, and two red reflectors visible from a distance of 100 to 600 feet to the rear
25 when illuminated by the upper beams of headlamps. The lights required in this section must be positioned so that
26 one lamp showing to the front and one lamp or reflector showing to the rear ~~indicates~~ indicate the farthest
27 projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

28 (2) A combination of farm tractor and towed unit of farm equipment or implement of husbandry not
29 equipped with an electric lighting system or an implement of husbandry being towed by a motor vehicle must ~~at~~
30 ~~all times mentioned in 61-9-204~~ at any time from one-half hour before sunset to one-half hour after sunrise be

1 equipped with the following lamps:

2 (a) at least one lamp mounted to indicate the extreme left projection of the combination and displaying
3 a white light visible from a distance of not less than 500 feet to the front of the combination; and

4 (b) two lamps each displaying a red light visible from a distance of not less than 500 feet to the rear of
5 the combination; or at least one lamp displaying a red light visible from a distance of not less than 500 feet to the
6 rear of the combination and two red reflectors visible from a distance of 100 to 600 feet to the rear of the
7 combination when illuminated by the upper beams of headlamps. The lamps or reflectors must be mounted to
8 indicate the extreme left and right rear projections of the towed unit or implement on the highway.

9 (3) A farm tractor and a self-propelled unit of farm equipment or implement of husbandry equipped with
10 an electric lighting system must ~~at all times mentioned in 61-9-204~~ at any time from one-half hour before sunset
11 to one-half hour after sunrise be equipped with two multiple-beam or single-beam headlamps meeting the
12 requirements of 61-9-220 or 61-9-222 and two red lamps visible from a distance of not less than 500 feet to the
13 rear; or one red lamp visible from a distance of not less than 500 feet to the rear and two red reflectors visible
14 from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. The red lamps
15 or reflectors must be mounted in the rear of the farm tractor or self-propelled implement of husbandry to indicate
16 the extreme left and right projections of the vehicle on the highway.

17 (4) A combination of farm tractor and towed farm equipment or towed implement of husbandry equipped
18 with an electric lighting system must ~~at all times mentioned in 61-9-204~~ at any time from one-half hour before
19 sunset to one-half hour after sunrise be equipped with the following lamps:

20 (a) The farm tractor element of the combination must be equipped with two single-beam or multiple-beam
21 headlamps meeting the requirements of 61-9-220 or 61-9-222.

22 (b) The towed unit of farm equipment or implement of husbandry element of the combination must be
23 equipped with two red lamps visible from a distance of not less than 500 feet to the rear or one red lamp visible
24 from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600
25 feet to the rear when illuminated by the upper beams of headlamps. The red lamps or reflectors must be located
26 to indicate the extreme left and right projections of the towed unit or implement on the highway.

27 (c) The combination must also be equipped with a lamp displaying a white or amber light, or a shade of
28 color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp displaying
29 a red light visible from a distance of not less than 500 feet to the rear. The lamp or lamps must indicate to the front
30 and rear the farthest projection of the combination on the side of the road used by other vehicles in passing the

1 combination."

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3 **Section 7.** Section 61-9-216, MCA, is amended to read:

4 **"61-9-216. Lamps on other vehicles and equipment.** A vehicle, including animal-drawn vehicles and
 5 vehicles referred to in 61-9-109(4), not specifically required by the provisions of this chapter to be equipped with
 6 lamps or other lighting devices, must ~~at all times specified in 61-9-201~~ at any time from one-half hour before
 7 sunset to one-half hour after sunrise be equipped with at least one lamp displaying a white light visible from a
 8 distance of not less than 1,000 feet to the front of the vehicle; and with two lamps displaying red light visible from
 9 a distance of not less than 1,000 feet to the rear of the vehicle. The vehicle may have one lamp displaying a red
 10 light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible for distances of
 11 100 to 600 feet to the rear when illuminated by the upper beams of headlamps."

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13 **Section 8.** Section 61-9-221, MCA, is amended to read:

14 **"61-9-221. Use of multiple-beam road-lighting equipment.** ~~Whenever~~ When a motor vehicle is being
 15 operated on a roadway or shoulder adjacent to a roadway ~~during the times specified in 61-9-201~~ at any time from
 16 one-half hour before sunset to one-half hour after sunrise, the driver shall use a distribution of light; or composite
 17 beam; capable of revealing persons and vehicles at a safe distance in advance of the vehicle, subject to the
 18 following requirements and limitations:

19 (1) ~~Whenever~~ When the driver of a vehicle approaches an oncoming vehicle within 1,000 feet, the driver
 20 shall use a distribution of light or composite beam that does not project into the eyes of the oncoming driver. The
 21 lowermost distribution of light specified in 61-9-220(2) must avoid glare at all times, regardless of road contour
 22 and loading.

23 (2) ~~Whenever~~ When the driver of a vehicle follows another vehicle within 500 feet to the rear, the driver
 24 shall use a distribution of light permissible under this chapter other than the uppermost distribution of light
 25 specified in 61-9-220(1)."

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27 **Section 9.** Section 61-9-225, MCA, is amended to read:

28 **"61-9-225. Number of driving lamps required or permitted.** ~~(1) At all times specified in 61-9-201, at~~
 29 ~~least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a~~
 30 ~~motorcycle, quadricycle, or motor-driven cycle, except when such vehicle is parked, subject to the regulations~~

